

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, }
v. } 2:05-cr-80
RICHARD WOOD, } 2:13-cr-58
Defendant. } 2:19-cr-8

MEMORANDUM ORDER

Defendant Richard Wood moves to transfer his detention from the Indiana County Jail to electronic monitoring. [No. 2:19-cr-8, ECF 1853]. In addition to being detained in Case No. 2:19-cr-8 on drug-trafficking charges, Mr. Wood is being detained pending final revocation of supervised release at Case Nos. 2:05-cr-80 and 2:13-cr-58. [*Id.* at ¶¶ 5, 7]. Mr. Wood asks to be released due to his “inability to follow the Center for Disease Control’s ... recommendations for ‘social distancing’ to reduce” his chances of contracting COVID-19. [*Id.* at ¶ 15]. Mr. Wood speculates that should the virus infiltrate the Indiana County Jail, “the spread will be much worse than in the general community, infecting nearly all those incarcerated and subjecting them to unnecessary harm.” [*Id.*]. And Mr. Wood believes that he would be at heightened risk if he develops COVID-19 due to his pre-existing underlying health conditions. [*Id.* at ¶ 19]. While the Court is sympathetic to Mr. Wood’s health concerns, his motion is premature.¹

Putting aside the legal hurdles he must overcome under 18 U.S.C. § 3143

¹ Both Mr. Wood and the government have requested that the Court decide the motions on the papers without holding a hearing. [No. 2:19-cr-8, ECF 1873, ¶ 6; ECF 1878, p. 2].

to justify his release,² Mr. Wood has provided no evidence that (1) he has COVID-19, (2) he has experienced any COVID-19 symptoms, (3) he has been exposed to anyone exhibiting COVID-19 symptoms, or (4) a single person at the Indiana County Jail has tested positive for COVID-19. Indeed, as Judge Schwab recently noted in another case before this Court, “there have been no reported cases of COVID-19 inside the [Indiana County Jail].” *United States v. Richard Coto-Wheat*, No. 19-162, 2020 WL 1911472, at *3 (W.D. Pa. Apr. 19, 2020) (Schwab, J.). Judge Schwab further found only a few days ago that the jail has taken “the necessary steps and precautions to help stop the spread of the COVID-19 virus amongst the population[.]” *Id.*

At this point, all Mr. Wood can offer is speculation regarding possible complications caused by the COVID-19 virus. That is not enough. *See, e.g., id.* (“While the Court is sympathetic to Defendant’s general concern about COVID-19, speculation about present or possible future conditions at the ICJ does not constitute an exceptional reason for release[.]”); *United States v. Crute*, No. 2:19-cr-299, Dkt. 37, p. 3 (W.D. Pa. Mar. 26, 2020) (Stickman, J.) (“While the Court is sympathetic to [defendant’s] medical concerns and claims regarding possible complications caused by the COVID-19 virus, such speculation

² One hurdle is the rebuttable presumption against release under Section 3143. But the other hurdle, as the government correctly identifies, is the absence of any statutory basis for “temporary release.” [No. 2:19-cr-8, ECF 1878, p. 3]. It is unclear what Mr. Wood is basing his request on because he doesn’t identify any statutory basis in his motions. To the extent he is moving for temporary release, however, that provision is in Section 3142; there is no similar provision in Section 3143. *See United States v. Hartsell*, No. 20-9, 2020 WL 1482175, at *1 (N.D. Ind. Mar. 25, 2020) (noting that § 3143 “has no corresponding cousin to 18 U.S.C. § 3142(i) that would authorize temporary release for a compelling reason”).

regarding future conditions does not constitute a ‘compelling reason’ for temporary release.”).

Thus, the Court will **DENY** Mr. Wood’s motions at No. 2:05-cr-80 [ECF 81], No. 2:13-cr-58 [ECF 675], and No. 2:19-cr-8 [ECF 1853] without prejudice. Mr. Wood may refile his motions if circumstances change at the jail such that his health concerns regarding COVID-19 are no longer speculative, and if he can identify a legal basis for such relief.

DATED this 24th day of April, 2020.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge